

WEATHER.

Unsettled, with occasional showers tonight or Sunday; light to moderate northeasterly winds.

The Evening Star.

The Star is the only afternoon paper in Washington that prints the news of the Associated Press.

No. 18,532.

WASHINGTON, D. C., SATURDAY, JUNE 24, 1911—TWENTY PAGES.

ONE CENT.

HARRIMAN MEGEY DECLARED LEGAL

Government Loses Its Case
Against Southern and Union
Pacific Railroads.

IS NOT A VIOLATION OF ANTI-TRUST LAW

Opinion Handed Down by U. S. Circuit Court at St. Louis.

JUDGE HOOK ALONE DISSENTS

Expresses Opinion Government's Petition for Injunction Was Well Founded and Should Have Been Granted.

ST. LOUIS, June 24.—The merger of the Southern Pacific and Union Pacific railroads is legal, according to an opinion handed down today by the United States circuit court of the eighth district.

Judge Hook filed a dissenting opinion in which he expressed the belief that the government's petition was well founded and should have been granted.

The majority decision was written by Judge Elmer B. Adams, and was mailed to the clerk of the court here. According to the opinion the only question was this:

Was the Union Pacific Company extending only from Omaha and Kansas City on the east to Ogden on the west, a competing line prior to 1901 for transcontinental business with the Southern Pacific Company, whose line extended from New York on the east over the sea to New Orleans and thence by rail to San Francisco and Portland on the west?

Points in the Opinion.

"While the Union Pacific was entirely dependent upon the Southern Pacific for its connection westward, the Southern Pacific was not at all dependent upon the Union Pacific for its connection eastward," read the majority opinion.

"Our conclusion," continued the opinion, "is that all the facts of this case, considered in their natural, reasonable and practical aspect, and given their appropriate relative significance, do not make the Union Pacific a substantial competitor for transcontinental business with the Southern Pacific in or prior to the year 1901."

"We therefore pass to a consideration of some less important matters relied upon by the government to establish the violation of competition between these companies."

"Certainly the desire to appropriate the business done by the Southern Pacific on the minor lines or to suppress a competition in traffic which was in the aggregate of such small proportions could not have been the inspiration of the vast outlay involved in the purchase of the Huntington stock. It did not amount to a direct and substantial restraint of either interstate or international commerce."

"It is not sufficient to bring it within the contemplation of the anti-trust law."

"This concludes consideration of the effect of the transaction chiefly relied upon by the government in this case. But we contend that the purchase by the Union Pacific of a controlling interest in the stock of the Southern Pacific was also a violation of the anti-trust law."

No Reason for Injunction.

"Without dwelling on the reason for the purchase of this stock, disclosed in the preceding statement of facts, it is sufficient to say that if any controlling interest was thereby acquired, it was lost some time before this suit was instituted, and that none of that stock is held by or for the Union Pacific Company."

"As there is no showing of any like attempt to acquire control of the Southern Pacific in this respect for the future, we fail to discover any opportunity or reason for the injunctive relief on this account."

"The court held also that the investment of the Harriman trust in the Santa Fe was not for acquiring control and that if it was for obtaining information concerning the operation of a great competitor they chose a lawful way for doing it."

"The conclusions of fact dispose of this case," the opinion concluded, "without the necessity of determining the question whether, under the control of the Southern Pacific Company by purchasing stock of individual owners could in any view of the facts be considered a restraint of interstate or international commerce."

"On the facts of this case with all their reasonable and fair inferences we conclude that the government has failed to substantiate the averments of its bill."

"Mr. Justice Van De Water, while a circuit judge, participated in the hearing and he now concurs in this opinion."

"The bill must be dismissed and a decree will be entered to that effect."

Suit Begun in 1908.

The government's suit in equity against the Southern Pacific Railroad Company and the Union Pacific Railroad Company to enjoin the continued control of the former by the latter was filed in Salt Lake City, Utah, February 2, 1908.

The bill charged conspiracy and the formation of a combination in violation of the Sherman anti-trust act, passed by Congress to protect trade and commerce against unlawful monopolies.

The defendants named in the case were the Union Pacific Railroad Company, Southern Pacific, Oregon Railroad and Navigation Company, San Francisco, Oregon and Santa Fe, Company, Atchison, Topeka and Santa Fe, Northern Pacific, Great Northern railway, Farmers Loan and Trust Company, Edward H. Harriman, Jacob H. Schiff, Otto H. Kahn, James Stillman, Harry H. Rogers, Henry C. Frick and William C. Clark.

The government's petition was signed by Attorney General Bonaparte and his special assistants. It sets forth in detail the agreements by which the defendants at times since 1901 had been secured for themselves and others, the management and control of the various department roads, their branches and steamship lines, and to have ever since operated them in restraint of commerce.

Two Defendants Dead.

Since the suit was filed Mr. Harriman and Mr. Rogers have died. Judge R. S. Lovett, successor of Mr. Harriman in the railroad system, was by stipulation made a defendant. Attorney General Bonaparte and Assistant Attorney General Purdy retired from office as the suit was pending. Hearings were held in many cities of the country.

Argument was made in the case before Judges Sanborn, Hook, Adams and Vandewater, now a member of the

(Continued on Seventh Page.)

HOUSE FUNDS SHORT

Deficiency Bill Makes Its Appearance for \$31,650.

DECLARED "NOT UNUSUAL"

Minority Leader Mann Has Measure Held Over Until Monday.

INCLUDES \$200 FOR DISTRICT

Provides Additional Appropriation to Prevent the Spread of Contagious Diseases.

The "lift-the-lid" Congress, as this session is termed by members of the House, finds, as the first definite and tangible result of the work of the numerous investigating committees now probing public affairs, a shortage in the cash drawer.

The House of Representatives is today in the position of a debtor who cannot pay his bills. There are about \$30,000 in bills piled up on the cashier's desk, and "nary a red in the eye."

This situation was laid before the House today, when Chairman Fitzgerald of the appropriations committee reported a deficiency appropriation bill to supply deficiencies in the contingent fund of the House. That fund for the fiscal year amounting to \$75,000 has been exhausted, and there are witness fees and stenographers' bills unpaid.

Mr. Fitzgerald asked unanimous consent to suspend the eulogies over the late Senator Daniel to consider the bill.

Mr. Macon (Ark.), in questioning Chairman Fitzgerald about the expenses, declared that this "seemed to be going some" in spending the people's money, but was assured by Mr. Fitzgerald that the deficiency was not unusual compared with previous years.

Leader Mann Objects.

Minority Leader Mann, having in view next Monday and the possibility of getting the majority on record on the service pension bill, objected to displacing the regular order and showed absolute indifference to the poverty-stricken condition of Uncle Sam and the pleas of his creditors. He wanted the matter to go over until next Monday, much to the chagrin of the democrats, who had hoped to adjourn over that day, and his objection stopped further proceedings.

The deficiency bill reported to the House today by Mr. Fitzgerald, by authority of the speaker, contains appropriations, carries a total of \$31,650, including \$200 for the contagious disease fund of the District of Columbia. The amounts appropriated are as follows:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specially ordered by the House of Representatives, \$12,500.

Money for Other Items.

For stationery for members of the House of Representatives, delegates from territories and resident commissioners, and for the use of the committees and officers of the House, \$1,000.

For furniture and materials for repairs of the same, \$18,900.

For compensation of the clerk to the speaker's table for preparing the Digest of the Rules for the first session of the Sixty-second Congress, \$1,000.

The amount authorized to be expended for the employment of personal services under the appropriation in the District of Columbia act for the fiscal year 1911, for the enforcement of certain acts of Congress to prevent the spread of contagious and communicable diseases in the District of Columbia, is hereby increased from \$10,000 to \$10,200.

SEARCH FOR BUTCHER'S BODY.

Officials Hunt in Swamp and Woods Adjoining "Dr." Snow's Farm.

BIDDEFORD, Me., June 24.—The search of the swamp and woods adjoining the farm of "Dr." Fred B. Snow at Dayton for the body of Charles I. Weymouth, the young butcher alleged to have been beaten to death three years ago and buried in a packing box, was resumed today by the York county officials.

The officers were assisted again today by the two young Snow children, who first told the story of the alleged crime, and who for an hour last night attempted to lead them to the place where they thought the body was buried. Joseph Buzzell and Olney W. Merrill, charged with murder, and the girl's mother, Mrs. Maude Snow, charged with being an accessory after the fact, were taken before trial Justice Knight at Alfred today.

The cases were continued until next week to give the officers time to search for the body and prepare the case.

ACCIDENTALLY SHOT IN LEG.

Newly Elected Vice Commander of S. of V. Not Badly Hurt, However.

PITTSBURGH, June 24.—A. C. Frick of Shamokin, Pa., newly elected senior vice commander of the Sons of Veterans of Pennsylvania, was accidentally shot in the leg last night while attending the state convention of the organization here. This fact became known today.

He was not seriously hurt. The accident occurred at Camp Arthur, the convention headquarters at Olympia Park. A rifle was accidentally fired, the bullet striking Mr. Frick in the left leg.

Explosion in Nitrogen Factory.

MUNICH, Bavaria, June 24.—A factory at Trostberg engaged in recovering nitrogen from the atmosphere was destroyed by a terrific explosion originating from some unknown cause in a reservoir containing supplies today. So far as known three lives were lost and six other persons were dangerously injured.

Street Car Passengers Beaten.

CLEVELAND, Ohio, June 24.—Six men, said to be sympathizers of the striking garment workers, entered a street car last night, armed with pieces of gas pipe, and severely beat Henry Newman, a non-union cloakmaker, and Harry Hawkins, a special guard, who was escorting Newman to his home. They also beat several of the passengers who interfered, breaking one man's arm. Mrs. Viola Unterzuber was pushed off the car's rear platform and dragged a hundred feet. She was severely cut and bruised.

KING AT SPITHEAD FOR NAVAL REVIEW

Armada of 185 Vessels of War, Which Cost Half a Billion Dollars to Build.

SHIPS OF MANY NATIONS IN LINE SIX MILES LONG

No Such Fleet Ever Before Assembled for Pleasure of King.

SOLENT IS A CHOPPY SEA

But Sun Shines and Spectacle Is a Gorgeous One—Delaware, Largest of All Ships, Comes in for Attention.

PORTSMOUTH, England, June 24.—Never before has such an armada been brought together for review by a monarch as was assembled in the narrow waters of the Solent on this, the navy's day in the round of coronation pageantry.

Ranged in a parallelogram six miles in length and two miles broad floated 167 British and 18 foreign vessels representing seventeen nations.

The aggregate tonnage of the British craft alone was over one million as compared with a little more than one-half this total present at Queen Victoria's diamond jubilee review in 1897.

This aggregation of British dreadnoughts and smaller sisters represented approximately the huge outlay of \$400,000,000, while, if the value of the eighteen foreign warships is added, there was moved in this historic roadstead of Spithead, an international war fleet representing a total initial expenditure of \$500,000,000.

Spectacle Magnificent One.

Dressed from stem to stern in a riot of bunting, the gray lines of the warships, with a background formed by the blue coast line of the Isle of Wight, made a magnificent spectacle. A strong southerly breeze blowing across the anchorage raised a choppy sea, and, incidentally, conflicting emotions among the scores of thousands of spectators who viewed the scene from the multitude of beflagged excursion craft crowding the roadstead.

At noon picket boats from all the warships covered the review area like a flight of gulls, warning off the fleet of excursion vessels, and from then on until the king's yacht weighed anchor for a return to the Victoria, the American review was permitted within the reviewing lines.

Had Day of Sunshine.

The sun was shining brightly when King George and Queen Mary, with their brilliant suite, left the naval port aboard the royal yacht Victoria and Albert. The Trinity yacht Irene led the way, and the Victoria and Albert was followed in line by his majesty's yacht Alexandra, the admiralty yacht Echantant, and the commander-in-chief's yacht Fire Queen.

All the vantage points at the mouth of the harbor, on the shores to the southward and along the sea front on the north and stretching far to the eastward of Southsea Castle were packed with masses of people who cheered themselves hoarse as the flotilla passed down the fairway, almost a mile long, of the review.

An additional convoy of four torpedo boats and four destroyers picked up the royal yachts before they reached the review waters, and showed the way up and down the lines of the fleet. As the Victoria and Albert passed, a signal was given for a salute, and immediately the guns of the warships thundered a welcome to the sailor king.

Interest in Delaware.

The king and queen and princes were on the bridge as the royal yacht entered the water highway between the lines of foreign warships and British dreadnoughts.

The American battleship Delaware, the fourth in the line and the biggest battleship in the huge fleet, early focused attention. The vessel was dressed overall with great arches of bunting thrown from stem to stern over a trellis of flags, which proclaimed the American nationality. The sides of the proud craft were manned with cheering blue-jackets and her band played the national anthem, common both to America and Great Britain. The big visitor gave their masts and funnels a salute.

Aboard the Delaware was a large party of Americans, the guests of Capt. Gove and his officers. They included Secretary Phillips, the American ambassador at London and Mrs. Phillips, Templeton Crocker, Mrs. Crocker and Miss Crocker; Mrs. Robert Bacon, wife of the American ambassador to France, and family; J. Coleman Drayton, American Consul General and his family; and the Lord Nelson, ward Simpson, American naval attaché at London.

In Uniform of Admiral.

Their majesties, accompanied by the official envoys of other countries, came from London in a special train. The king wore an admiral's uniform with a ribbon of the Order of the Garter. The Prince of Wales was in a military uniform.

The other members of the royal family, with their majesties were all in the uniforms of the admiralty. Many special trains were run from London carrying Indian princes, peers, and members of the royal family, and the excursion trains arriving during the morning added great numbers to the thousands already gathered here from all parts of the world.

Officers Received by King.

Throughout the length of the twenty-mile waterway each successive ship took up the cheering, and the national anthem was heard from end to end of the long line. At the completion of the royal review, the king and queen, the Prince of Wales, the latter with the foreign envoys, together with the accompanying vessels, took up their moorings in a group, the Victoria and Albert being stationed in the center of the line of foreign warships and abreast the Lord Nelson, the flagship of Sir Arthur Moore, admiral in command of the fleet.

The majesty then received the British flag officials and flag officers and commanders of all foreign warships now carrying a flag officer. They also beat several of the passengers who interfered, breaking one man's arm. Mrs. Viola Unterzuber was pushed off the car's rear platform and dragged a hundred feet. She was severely cut and bruised.

Tonight the fleet will be illuminated from 9.30 to 11 o'clock.



ONE THING THAT ENGLAND DOES BETTER.

STEWARDS IN ARREST ACCUSED OF LOOTING

Employees of Army Transport Kipatrick Charged With Stealing Rations.

NEW YORK, June 24.—A wireless message received here and the army transport Kipatrick, on route from Galveston to this port, gave the information that the vessel had been looted of government property by members of the crew. This was followed by another message stating that five stewards were put under arrest and placed in the boat's custody.

Stewards in Custody.

Upon this information Assistant United States District Attorney Gruber obtained warrants for the arrest of the suspects and on the arrival of the Kipatrick today the stewards were taken in custody.

Theft of Rations Alleged.

The men are charged with stealing rations and selling them. Apparently they did very little business before they were caught, for on the person of the ring-leader was found only \$6.25. All five were arraigned before a federal commissioner and held in \$1,000 bail each.

GLAVIS TO GIVE BOND.

Will Be Released Upon \$1,000 Bail Upon Arrival Here.

Following a conference between United States Attorney Wilson and attorneys for George O. Glavis, who was arrested in Chicago a day or so ago for local authorities upon a charge of embezzlement of the Chicago Tribune, arrangements were made today to release the accused man upon \$1,000 bond the moment he arrives in Washington. The bond is furnished to guarantee Glavis' appearance for preliminary hearing in the Police Court one day next week.

The Pacific Coast Casualty Company was offered as surety by Glavis' attorneys and accepted by the local prosecutors. The defendant's interests were looked after this morning by Attorneys James H. Starnes and William E. Ambrose.

Maj. Sylvester, chief of police, received a telegram from Detective Fred Cornwell stating that he left the Windy city with Glavis at 5:45 o'clock last evening.

When Glavis was arrested Thursday he assured the police of Chicago that he would return for trial without demanding a requisition. It was upon receipt of this information that the detective left immediately for Chicago.

The warrant charging Glavis with appropriating the books of a local company was sworn out here Wednesday night by R. H. Ellis, former Attorney General, and R. Golden Donaldson, counsel for the Chicago Tribune Publishing Company, who engineered the investigation Wednesday night and had James Keeley, manager of the company, swear out the warrant.

RELIEF FROM THE HEAT.

Thunderstorms Cause Drop of Ten Degrees in Temperature.

Thunderstorms here and in the near neighborhood of Washington brought relief from the oppressive heat last evening, and at 1 o'clock today the thermometer at the weather bureau registered only 81 degrees, as compared with 91 at the same hour yesterday.

The forecast predicted today that the weather tonight and tomorrow would be unsettled, with occasional showers to-night or tomorrow. The temperature will continue about the same.

G. W. Easley of 4114 G street southwest was overcome by the heat yesterday afternoon at 1000 Pennsylvania avenue northwest. He was taken to the Emergency Hospital for treatment.

William Brooks, colored, of Southwest Washington also received treatment at the Emergency Hospital yesterday afternoon for illness caused by the heat.

WILL VETO AMENDMENTS President Announces Determination to Prevent Change in Reciprocity Treaty.

In a long-distance telephone conversation with senators today President Taft repeated his determination to veto the Canadian reciprocity bill in case any amendment is added.

Point Raised by Farmers.

Many senators have received telegrams and letters announcing a purpose on the part of the farmers to test the constitutionality of the proposed reciprocity law if it receives less than a two-thirds majority in the Senate. This position is taken on the ground that as the bill goes into effect the provisions of a treaty it should receive the vote in the Senate necessary to render a treaty effective.

The friends of the measure do not concede the point, but they are claiming the two-thirds.

"A Sea Story,"

By James B. Connolly.

No modern writer tells such thrilling tales of life at sea as Connolly, unless it be Morgan Robertson. "Don John Quixote, Pump-man," shows the passions of strong men at war aboard an oil steamer in the Gulf of Mexico. How Klernan held his own against a bullying boatswain. A two-part story.

A Prize Entry,

By Hulbert Footner.

"The Obsession" is also a story of life at sea, and love interest makes it doubly appealing. A motor yacht, the Lorelei (the very name is romantic) is the scene. A strong candidate for a prize.

"Back to Nature,"

By Roy Fulkerson.

Is a kind of fiction, too. It tells, in most amusing style, how a man got rich by amateur gardening, and it requires a clever fiction writer to tell such a story.

"Confessions of a Cook Lady,"

By Elsie MacDonald.

This is not fiction, but a tale of the tribulations of one who wrote advice on domestic affairs for other people. But it's amusing.

"Exhibit Y,"

By Amanda Mathews.

Sentimental, but about a blind vagrant musician and his child. The Mexican revolution makes it timely.

"The American Tin Can,"

By George Ethelbert Walsh.

How the tin can has to a large extent done away with the sea, and it requires a clever fiction writer to tell such a story.

And an installment of that fine serial, "The Secretary of Privileged Affairs," by Mrs. Jacques Futrelle, tomorrow in the

Sunday Magazine

—OF—
The Sunday Star.

CONSTANT MENACE TO THE EMPLOYEES

Conditions in Patent and Land Office Buildings Dangerous to Occupants.

FIRE MARSHAL REPORTS TO THE COMMISSIONERS

Tells of Wood Shelving and the Storage of Gasoline.

OBSTRUCTIONS OF CORRIDORS

Urges Fireproof Sheathing, New Fireproof Buildings and Safeguards.

Declaring that conditions in the patent and land office buildings are hazardous from a fire point of view; that the rooms and corridors are filled with combustible materials and that gasoline and kerosene are stored in a manner prohibited by the District regulations, District Fire Marshal P. W. Nicholson submitted a long report on the subject to the Commissioners today.

The inspection of the buildings was made at the request of Clement S. Ucker, chief clerk of the Interior Department. A committee, consisting of Chief Engineer Hill, Capt. Osburn and Chief Electrician Gibson of the department, assisted the fire marshal in the investigation. According to the report numerous changes will have to be made to insure the safety of the buildings and their occupants.

Not only are the conditions hazardous with respect to the origination of a fire, it is stated, but the present arrangements make it seriously hamper firemen in attempting to extinguish a conflagration.

Conditions in Patent Office.

In his report of the patent office the fire marshal says:

"The worst conditions are on the third floor, 9th street wing. The entire floor and corridors are taken up with combustible matter, wood shelving, filled with official documents. The corridor is used by the public in the examination of records and the position of the clerical forces is obstructed by desks and tables.

There are two balconies extending from the floor to the ceiling filled with wood shelving, in which are stored official documents with small aisles hardly wide enough for one person to pass. The conditions are much congested. In the event of a fire the fire department would be much hampered by the obstructions from the floor to the ceiling.

There is a small room in the basement, the street wing, which is used for the storage of oils. I found in this room two wooden barrels, one containing kerosene and one containing gasoline. The manner in which gasoline is stored should be abolished at once, as it is very dangerous. A leak is liable to occur at any time, and the volatile conditions, should strike a match a fire and probably an explosion would be the result. The regulations prohibiting the storage of gasoline in this manner."

Storage of Gasoline.

Severe criticism is directed against the manner in which gasoline is stored in the patent office. Concerning this feature the report contains the following:

"There is a small room in the basement, the street wing, which is used for the storage of oils. I found in this room two wooden barrels, one containing kerosene and one containing gasoline. The manner in which gasoline is stored should be abolished at once, as it is very dangerous. A leak is liable to occur at any time, and the volatile conditions, should strike a match a fire and probably an explosion would be the result. The regulations prohibiting the storage of gasoline in this manner."

In the Land Office Building.

The report declares that conditions similar to those in the patent office were discovered in the land office building. On the first, second and third floors of this building, it is stated, the usual amount of combustible materials was found. The fire marshal, particularly, is declared to be congested.

"In the basement," says the fire marshal, "the different rooms are filled with wood shelving filled with official records, all combustible materials, with narrow aisles, and very much congested. From a fire point of view, I consider the conditions bad. The basement and the attic are stored with combustible material, with no protection from fire, with the exception of the three-gallon fire extinguishers, which would be inadequate to cope with a fire of any magnitude."

Protection of Occupants.

For the protection of the occupants of the building, Mr. Nicholson recommends that the wood shelving on the third floor be removed and be replaced with fire-proof construction; also that a separate fire-proof building be provided for the storage of all official documents and records.

The installation of a chemical storage system also is recommended.

To insure an even greater protection for the occupants of the building, the fire marshal points out that auxiliary stations should be attached to the city fire alarm boxes and located at convenient points about the building, and that a system of signal bells be installed on the different floors.

The report of the fire marshal covers twelve typewritten pages, the first eight of which are devoted to a description of the buildings.

(Continued on Second Page.)

ROOSEVELT KNEW OF FUNK'S CHARGES

Kohlsaat Told Him of Alleged Demand for Contribution to Lorimer Fund.

CHICAGO PUBLISHER HEARD BY SENATE COMMITTEE

Says He Wrote the Story to Senators Root and La Follette.

DID NOT REVEAL INFORMANT

Would Not Come to Washington to Repeat Conversation—Bancroft Resumes Testimony.



CLARENCE S. FUNK, General manager of the International Harvester Company.

That Theodore Roosevelt has known the entire story of how Edward Hines is alleged to have asked Clarence S. Funk, general manager of the International Harvester Company, for a ten-thousand-dollar contribution to a hundred-thousand-dollar fund "used to put Lorimer across at Springfield" since just before the Hamilton Club dinner at Chicago, which Roosevelt refused to attend because Lorimer was coming, and that he (Kohlsaat) also had advised two senators of the facts, was testified today by Herman H. Kohlsaat, publisher of the Chicago Record-Herald, before the Senate Lorimer investigating committee.

Mr. Kohlsaat said he told Roosevelt the story, including Funk's name, and that Roosevelt had told him that was the reason he had refused to attend the dinner until the invitation to Lorimer was withdrawn.

Informed Two Senators.

Mr. Kohlsaat testified that he had been an account of the conversation between Hines and Funk, but without mentioning Funk's name, to Senators La Follette and Root. This was done at the request of Secretary Fisher of the Interior Department and others.

"Senator Root wrote me in reply," said the witness,